

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which NO Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) Richard T. Dean, John Lister-James and William McBride
citizens of the United States, the United Kingdom and the United States, respectively
residing at 43 King Rd., Bedford, NH 03110, 25 Old Stone Way, Bedford, NH 03110 and
110 Golfview Dr., Manchester, NH 03102, respectively,
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 08/236,402 filed in the United States of America on May 2, 1994
titled TECHNETIUM-99m LABELED IMAGING AGENTS

(Check and complete either I or II below)

I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by DIATECH, INC.. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of DIATECH, INC.. Other relevant facts are _____

That to the best of my (our) knowledge and belief (and/or) based upon information provided by _____
_____ of _____:

—OR—

II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

(Check III and/or IV below as appropriate)

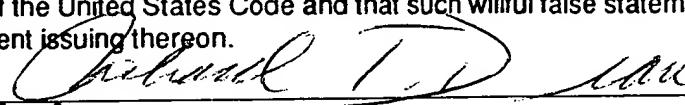
That to the best of my (our) knowledge and belief:

III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

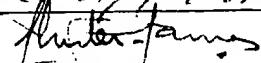
IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: X 
Richard T. Dean

Post Office Address: 43 King Road, Bedford, NH 03110

Date: X June 11, 1994

Inventor's Signature: X 
John Lister-James

Post Office Address: 25 Old Stone Way, Bedford, NH 03110

Date: X 13 June 1994

91-875-B
JMM/KEN



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/236,402	05/02/94	DEAN, LISTER-JAMES, ET AL	(91,875-B)

ALLEGRETTI & WITCOFF, LTD.
10 SOUTH WACKER DRIVE
CHICAGO, ILL 60606

EXAMINER	
ART UNIT	
PAPER NUMBER	
2	

DATE MAILED: 05/24/94

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

- be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).
- "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 308-3312.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**



#3
Statement (13)
11/15/94

UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 91,875-B)

PATENT

In the Application of:

DEAN, LISTER-JAMES & McBRIDE)

Serial No. 08/236,402)

Filed: May 2, 1994)

For: TECHNETIUM-99m LABELED)
IMAGING AGENTS)

RECEIVED
NOV 15 1994

LICENSING & REVIEW

RESPONSE TO NOTICE TO FILE
D.O.E. PROPERTY RIGHTS STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the notice mailed May 24, 1994, enclosed please find declarations from each inventor in compliance with 37 CFR 1.68.

Respectfully submitted,
ALLEGRETTI & WITCOFF, LTD.

A handwritten signature in black ink, appearing to read "By [Signature]". Below the signature, the name "Kevin E. Noonan, Ph.D." is printed in a standard font, followed by "Reg. No. 35,303".

Date: June 20, 1994



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(CASE NO. 91,875-B)

In re Application of:

DEAN, LISTER-JAMES & McBRIDE

PATENT

Hodge

Serial No. 08/236,403

Filed 1994

For TECHNETIUM-99m LABELED
IMAGING AGENTS

Group Art Unit

Examiner

The Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

TRANSMITTAL LETTER

In regard to the above-identified application:

1. We are transmitting herewith the attached

Response to Notice to File D.O.E. Property Rights Statement with

Declarations of Dean, Lister-James and McBride

2. With respect to additional fees:

A. No additional fee is required.

B. An additional fee is required and has been calculated as shown below:

CLAIM AS AMENDED						
(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS		MINUS	**			x
INDEP. CLAIMS		MINUS	10	10		x
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT →						

*If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

**If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

***Each multiple dependent claim should be counted as the number of claims from which it depends.

C. Attached is a check in the amount of \$_____.

D. Charge the total additional fee to our Deposit Account No. 01-0850.

A duplicate copy of this sheet is enclosed.

3. Please charge any additional fees or credit overpayment to the Deposit Account No. 01-0850. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231 on this 20th

day of June 1994

By Kevin E. Noonan

Reg. No. 35,303



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 91,875-B)

In the Application of:

Dean, Lister-James & McBride

Serial No. 08/236,402

Filed: May 2, 1994

For: TECHNETIUM-99m LABELED
IMAGING AGENTS

) Before the Examiner

) Group Art Unit **RECEIVED**

NOV 04 1994

GROUP 2200

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

"Express Mail" Mailing Label Number: TB 619 427 633 US

Date Of Deposit: June 20, 1994

Attached Paper or Fee (one per certificate):

Transmittal Letter & Postcard

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Laura Wiley

RECEIVED JUN 29 1994
NOV 15 1994 APPLICATION DIVISION
LICENSING & REVIEW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 91,875-B)

In the Application of:

Dean, Lister-James & McBride

Serial No. 08/236,402

Filed: May 2, 1994

For: TECHNETIUM-99m LABELED
IMAGING AGENTS

) Before the Examiner

) Group Art Unit

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

"Express Mail" Mailing Label Number: TB 619 427 633 US

Date Of Deposit: June 20, 1994

Attached Paper or Fee (one per certificate):

Response to Notice to File D.O.E.
Property Rights Statement

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Jeanne Wiley



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 91,875-B)

In the Application of:

Dean, Lister-James & McBride

Serial No. 08/236,402

Filed: May 2, 1994

For: TECHNETIUM-99m LABELED
IMAGING AGENTS

) Before the Examiner

) Group Art Unit

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

"Express Mail" Mailing Label Number: TB 619 427 633 US

Date Of Deposit: June 20, 1994

Attached Paper or Fee (one per certificate):

Section 1001 Declaration of John
Lister-James

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Johnna Wiley



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 91,875-B)

In the Application of:)
Dean, Lister-James & McBride)
Serial No. 08/236,402) Before the Examiner
Filed: May 2, 1994) Group Art Unit
For: TECHNETIUM-99m LABELED)
IMAGING AGENTS)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

**Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Sir:

"Express Mail" Mailing Label Number: TB 619 427 633 US

Date Of Deposit: June 20, 1994

Attached Paper or Fee (one per certificate): Section 1001 Declaration of Richard T. Dean

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Laura Wiley



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 91,875-B)

In the Application of:)
Dean, Lister-James & McBride)
Serial No. 08/236,402) Before the Examiner
Filed: May 2, 1994)
For: TECHNETIUM-99m LABELED) Group Art Unit
IMAGING AGENTS)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

"Express Mail" Mailing Label Number: TB 619 427 633 US

Date Of Deposit: June 20, 1994

Attached Paper or Fee (one per certificate): Section 1001 Declaration of William
McBride

I hereby certify that the attached paper or fee is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date
indicated above and is addressed to The Commissioner of Patents and Trademarks, Washington,
D.C. 20231.

William McBride